IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 31216 of 2006(N)

PETITIONER:

R. VIJAYAN, STAFF NO.11016,
DIVISIONAL ENGINEER, TELECOM,
BHARAT SANCHAR NIGAM LTD., ANCHAL.

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.S.VISHNU

RESPONDENTS:

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1. THE CHAIRMAN, TELECOM COMMISSION,
SNACHAR BHAVAN, NEW DELHI.

2. THE CHAIRMAN & MANAGING DIRECTOR,
BSNL COPORATE OFFICE,
NEW DELHI-110 001.

3. THE CHIEF GENERAL MANAGER,
TELECOM, B.S.N.L., KERALA CIRCLE,
THIRUVANANTHAPURAM.

BY SC SHRI. S.K.BALACHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 31216 OF 2006 N
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Dated this the 24th November, 2006

J U D G M E N T

Heard Shri. S. Vishnu, counsel for the petitioner and Shri. S.K. Balachandran, standing counsel for the respondents.

2. The limited prayer made by the petitioner is for a consideration of Ext. P3 representation filed by him and pending with the 1st respondent. It is contended that notwithstanding the decision of the Supreme Court in thejudgment reported in ***Union of India*** v. ***Madras Telephone S.C & S.T. Social Welfare Associatio***n {(2000) 9 SCC 71} expressing a different view from the decision of the Allahabad High Court which decision was followed by the Central Administrative Tribunal, Ernakulam in rendering Ext. P1 judgment, the petitioner is entitled to seek the benefit of the order of the Supreme Court clarifying the effect of the judgment. Apprehending that the respondents would deny the petitioner the benefits which he is entitled to get, Ext. P3 representation has

been filed.

3. The petitioner is due to retire from service on superannuation on 31-1-2007. Hence, urgent orders are required on Ext. P3.

4. I find no reason not to grant the limited relief prayed for by the petitioner. Hence, there shall be an order directing the 1st respondent to consider Ext. P3 and take appropriate decision as expeditiously as possible, in any event, within one month from the date of receipt of a copy of the judgment.

The writ petition is disposed of as above.

K.K. DENESAN
JUDGE

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